

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

KENNETH HERSHEY,

Plaintiff,

Case No. 1:07-cv-907

v.

Honorable Wendell A. Miles

UNKNOWN BOOTH et al.,

Defendants.

---

**ORDER OF DISMISSAL**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. Plaintiff filed the instant action on or about September 13, 2007. He now moves to withdraw his complaint because he has not completed the administrative grievance process. A plaintiff must pursue all levels of the administrative procedure before filing an action in federal court. *See Freeman v. Francis*, 196 F.3d 641, 645 (6th Cir. 1999) (“While we recognize that plaintiff made some attempt to go through the prison’s grievance procedures, we must dismiss plaintiff’s complaint because he filed his federal complaint before allowing the administrative process to be completed.”). Upon due consideration, Plaintiff’s motion for voluntary withdrawal (docket #3) is GRANTED and the captioned case is DISMISSED without prejudice. Plaintiff shall remain liable for the \$350.00 civil action filing fee.

Dated: October 11, 2007

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior U.S. District Judge